

REMARKS/ARGUMENTS

Reexamination and reconsideration of this application as amended is requested. By this amendment, Claims 8, 10-18, and 20 have been amended and new Claims 21 and 22 have been added. After this amendment, Claims 8-22 remain pending in this application.

Claim Rejections - 35 USC § 102

(1) The Examiner has inquired regarding inventorship of the present patent application under 35 U.S.C. 102(f).

The Applicant is the original, first, and sole inventor of the instant patent application. The Applicant, Mr. Richard H. Boivie, has submitted herewith a Declaration under 37 C.F.R. § 1.131 and associated document evidence. This Declaration and evidence should satisfy Examiner's inquiry as to inventorship. In view of Applicant's Declaration and associated document evidence, and the remarks above, Applicant believes that the inquiry as to inventorship has been resolved with a clear finding that Mr. Richard H. Boivie is the original, first, and sole inventor of the presently claimed invention in the instant patent application.

(2) The Examiner rejected Claims 8-10, 12-15, and 17-19 under 35 U.S.C. 102(a) & (f) as being anticipated by Rick Boivie et al. ("Small Group Multicast: a new solution for multicasting on the Internet", IEEE Internet Computing, p.75, p.79. May 2000). This rejection is respectfully traversed.

Submitted with this response is Applicant's Declaration under 37 C.F.R. § 1.131 with associated document evidence to establish that the invention claimed in the instant application was reduced to writing by the inventor Richard H. Boivie in the United States prior to May, 2000. Thus, the invention claimed in the present application was invented

by Richard H. Boivie prior to May, 2000.

The IEEE Publication reference cited by the Examiner was published on May-June, 2000, which is after the date of invention of the invention claimed in the instant application. Accordingly, the IEEE Publication is removed as an available prior-art reference and cannot be cited against the present application in a rejection under 35 U.S.C. § 102(a) & (f). Therefore, at least for the reasons discussed above, it is respectfully submitted that the rejection of claims 8-10, 12-15, and 17-19 under 35 U.S.C. § 102(a) & (f) should be withdrawn.

Additionally, Applicant has amended independent Claims 8, 13, and 17 and dependent Claims 10, 12-15, and 18 to more clearly and distinctly recite the present invention. Amended Claims 8, 13, and 17 more clearly and distinctly recite "sending ACKs and/or NAKs between an intermediate node and another node of a network for reliably delivering a multicast packet to a destination information processing unit". Amended Claims 11, 16, and 20 more clearly and distinctly recite "processing ACKs and/or NAKs from a reliable multicast packet transmission" and "packet retransmissions based on the processed ACKs and/or NAKs." Support for these amendments may be found in the specification as originally filed, see for example page 7, lines 19-29 and page 8, lines 1-14. No new matter was added.

Also, new Claims 21 and 22 clearly and distinctly recite the novelty of the present invention. New Claim 21 recites, among other things, an originating unit for transmitting a multicast packet containing address information for a set of destinations. An acknowledgement unit processes ACKs and/or NAKs received from a node of a network. The received ACKs and/or NAKs correspond to a reliable multicast transmission with a destination information processing unit. A retransmit unit handles packet retransmissions based on the processed ACKs and/or NAKs. Support for new Claim 21 may be found in the specification as originally filed, see for example page 6, lines 1-25. No new matter was added.

New Claim 22 recites, among other things, a receiving unit for receiving a packet corresponding to a reliable multicast transmission to a destination information processing unit. An acknowledgement unit is communicatively coupled with the receiving unit. The acknowledgement unit transmits ACKs and/or NAKs to a node of a network. The ACKs and/or NAKs correspond to the reliable multicast transmission. Support for new Claim 22 may be found in the specification as originally filed, see for example page 6, lines 1-25. No new matter was added.

Accordingly, in view of the remarks above, Applicant believes that the rejection of Claims 8-10, 12-15, and 17-19 under 35 U.S.C. 102(a) & (f) has been overcome. The Examiner should withdraw the rejection of these claims.

Claim Rejections - 35 USC § 103

The Examiner rejected Claims 11, 16 and 20 under 35 U.S.C. 103(a) as being anticipated by Rick Boivie et al. ("Small Group Multicast: a new solution for multicasting on the Internet", IEEE Internet Computing, p.75, p.79. May 2000) in view of McCanne et al. U.S. Patent No. 6,415, 323. This rejection is respectfully traversed.

As discussed above in Section 2 and as evidenced by the attached Declaration under 37 C.F.R. 1.131 and associated document evidence, the invention claimed in the instant application was invented by Richard H. Boivie prior to May 2000, which is the publication date of the IEEE Publication reference. Thus, the IEEE Publication is removed as an available prior-art reference and cannot be cited against the present application in view of McCanne et al. in a rejection under 35 U.S.C. § 103(a).

McCanne et al. teaches a proximity-oriented redirection system for service-to-client attachment in a virtual overlay distribution network. McCanne et al. further teaches a rendezvous service that exploits anycast routing, which is a network-level

mechanism that can be used to route user requests to nearby service nodes based on topological locality. Clients bind to a service infrastructure using anycast addresses and routing and service nodes bind to the master service site using auxiliary information conveyed explicitly through a distributed directory like DNS. McCanne et al. also teaches using TCP anycast and IP multicast in its proximity-oriented redirection system.

Additionally, McCanne et al. teaches redirecting the client to a new service node if a service node fails. Once the client attaches to the new service node it can send packet retransmission requests to the new service node to position the stream appropriately and retransmit only those packets that were lost during session failover process.

In contrast, as now recited in amended Claims 11, 16 and 20, the present invention, recites among other things, processing ACKs and/or NAKs from a reliable multicast packet transmission. Amended Claims 11 and 16 also recite that packet retransmissions are performed based on the processed ACKs and/or NAKs. Claim 20 further recites a retransmit unit for handling packet retransmissions based on the processed ACKs and/or NAKs.

McCanne et al. does not teach or suggest processing ACKs and/or NAKs from a reliable multicast packet transmission. Nowhere does McCanne et al. teach or suggest reliable multicast packets. Additionally, McCanne et al. does not teach or suggest performing packet retransmission based on the processed ACKs and/or NAKs. McCanne et al. redirects a client to a new service node when a current node being used fails. The client then has to attach to the new service node then the client itself sends packet retransmission requests.

Regarding new Claim 21, as discussed above, McCanne et al. does not teach or suggest an originating unit for transmitting a multicast packet containing address information for a set of networked destinations. McCanne et al. also does not teach or suggest an acknowledgement unit for processing ACKs and/or NAKs received from a

node of a network. McCanne et al. also does not teach or suggest that the received ACKs and/or NAKs correspond to a reliable multicast transmission with a destination information processing unit. Additionally, McCanne et al. does not teach or suggest a retransmit unit for handling packet retransmissions based on the processed ACKs and/or NAKs.

Regarding new Claim 22, as discussed above, McCanne et al. does not teach or suggest a receiving unit for receiving a packet corresponding to a reliable multicast transmission to a destination information processing unit. Additionally, McCanne et al. does not teach or suggest an acknowledgement unit that is communicatively coupled with the receiving unit and transmits ACKs and/or NAKs, which correspond to the reliable multicast transmission, to a node of a network.

Furthermore, any possible combination of the IEEE Publication with McCanne et al. is improper because the IEEE Publication was removed as an available reference, as discussed above.

Accordingly, in view of the amendments and remarks above, and further since the IEEE Publication has been removed as a prior art reference making it improper to combine the IEEE Publication with McCanne et al., Applicant submits that neither the IEEE Publication, which is also removed from relevant prior art, nor the McCanne et al. reference, nor any combination of the two cited references, teaches, anticipates, or suggests the presently claimed invention. Applicant therefore believes that the rejection of Claims 11, 16, and 20 under 35 U.S.C. 103(a) has been overcome, and that new claims 21 and 22 also recite in allowable form. The Examiner should withdraw the rejection of Claims 11, 16, and 20. Applicant kindly urges the Examiner to allow Claims 11, 16, and 20, and new Claim 21 and 22.

Conclusion

The foregoing is submitted as full and complete response to the Official Action mailed June 17, 2004, and it is submitted that Claims 8-22 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of Claims 8-22 is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Applicant acknowledges the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §§ 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicant and the attorneys.

The present application, after entry of this amendment, comprises fifteen (15) claims, including five (5) independent claims. Applicant has previously paid for twenty (20) claims including six (6) independent claims. Applicant, therefore, believes that an additional fee for claims amendment is currently not due.

If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account 50-1556.

In view of the preceding discussion, it is submitted that the claims are in condition for allowance. Reconsideration and re-examination is requested.

Respectfully submitted,

Date: September 17, 2004

By: _____



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